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January 7, 2014

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

Agenda No. 4
08/27/13

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

#17 of JANUARY 7, 2014

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

**Re: PROJECT NUMBER R2010-01071-(3)
CONDITIONAL USE PERMIT NUMBER 2011-00012-(3)
OAK TREE PERMIT NUMBER 2011-00011-(3)
THIRD SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously held a duly-noticed public hearing on the above-referenced permits to authorize the construction and maintenance of two single-family residences on two existing adjacent vacant lots on approximately 4.65 gross acres located in the Santa Monica Mountains North Area Plan located at 29153 Craggs Drive, Malibou Lake, within the Malibu Zoned District. At the completion of the hearing, you indicated an intent to approve the permits and instructed our office to prepare findings and conditions for approval. Enclosed are the findings and conditions for your consideration.

Very truly yours,

JOHN F. KRATTLI
County Counsel

By

Elaine M. Lemke
ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

Richard D. Weiss
RICHARD D. WEISS
Chief Deputy

EML:vn
Enclosures

c: William T Fujioka, Chief Executive Officer
Sachi A. Hamai, Executive Officer, Board of Supervisors

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2010-01071-(3)
CONDITIONAL USE PERMIT NUMBER 2011-00012-(3)
OAK TREE PERMIT NUMBER 2011-00011-(3)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Project No. R2010-01071-(3) consisting of Conditional Use Permit No. 2011-00012-(3) ("CUP") and Oak Tree Permit 2011-00011-(3) ("Oak Tree Permit") on August 27, 2013, ("Project"). The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the Project on December 5, 2012, January 9, 2013, and February 13, 2013.
2. The permittee, Donald Haskin ("Permittee"), requests the CUP and Oak Tree Permit to authorize the construction and maintenance of two single-family residences on two existing adjacent vacant lots with a combined area of approximately 4.65 gross acres in an R-R-1 Zone (Resort and Recreation–One Acre Minimum Required Lot Size). The project is located in the area subject to the Santa Monica Mountains North Area Plan ("North Area Plan"), a part of the County's General Plan, and the Santa Monica Mountains North Area Community Standards District ("North Area CSD"). Single-family homes may be developed in the R-R-1 Zone of the North Area Plan subject to director's review, or if, as here, when more than one protest to a project is received, subject to a conditional use permit, pursuant to section 22.44.133.E.5.a of the North Area CSD.
3. The Project property is located at 29153 Crags Drive, Malibu Lake, within the Malibu Zoned District ("Project Site") and consists of a slightly southerly sloping terrain which is less than 25 percent.
4. Each of the proposed homes on the Project Site will be limited to 5,900 square feet, two stories, and 32 feet in height. Each proposes an attached three-car garage, a swimming pool, attached patios, a driveway, an entry gate, and a private sewage disposal system. Development of the residence on the 2.25-acre western parcel will require 1,800 cubic yards (cut and fill combined) of grading, and a four-foot-high retaining wall. This western parcel residence will have minimum setbacks of 37 feet to the north, 95 feet to the east, 234 feet to the west, and 61 feet to the south. Maximum lot coverage for this western parcel residence, including the swimming pool and patio covers, is 8,087 square feet, or 8.2 percent of the lot area. Development of the residence on the Project Site's eastern 2.4-acre parcel will require 1,350 cubic yards (cut and fill combined) of grading. The eastern parcel residence will have minimum setbacks of 227 feet to the north, 104 feet to the east, 18 feet to the west, and 76 feet to the south. Lot coverage for the eastern parcel residence, including the swimming pool and patio covers, will be 8,376 square feet, or eight percent of the lot area.

5. The Permittee has requested the Oak Tree Permit to authorize removal of one non-heritage oak tree to allow for the construction and maintenance of the proposed single-family home on the 2.25-acre western parcel. Forty-two other oak trees on the two parcels will not be disturbed by the Project and will remain on the property. Project conditions will require planting of at least two 15-gallon oak trees and two acorns.
6. Pursuant to section 22.56.2150 of the County Code, when an application for a CUP is filed concurrently with an oak tree permit application, the County considers the applications concurrently.
7. The North Area Plan land use designation for the Project Site is N1 (Rural Residential), which allows for residential development generally not to exceed one unit per acre in density. The western parcel on the Project Site is 2.25 acres and the eastern parcel is 2.4 acres. As such, the Project complies with the North Area Plan density requirements.
8. Surrounding adjacent properties are zoned as follows:

North: R-1-1 (Single-family Residence-One-Acre Minimum Lot Size);
South: R-1-1;
East: R-1-1; and
West: R-1-1.

Property located southwest of the Project Site, but not adjacent, is zoned A-1-1 (Light Agricultural-One-Acre Minimum Lot Size).
9. Surrounding land uses are as follows:

North: Single-family residential and undeveloped land;
South: Single-family residential and undeveloped land;
East: Single-family residential and undeveloped land; and
West: Single-family residential and undeveloped land.
10. Many of the surrounding homes are located on lots of 7,000 square feet or less. The terrain of properties to the south, east, and west of the Project Site, with slopes of 25 percent or more in some instances, is generally steeper than the Project Site. To the north, the terrain is relatively flat until it reaches Malibou Lake.
11. Project conditions shall require that the residences be developed in a ranch or similar style of varied non-repetitive designs, using subdued earth-tone colors and/or textures that blend with the local area on the exterior of the residences, including with the trim and accessory structures (except for split-rail fences which may be painted in white tones). The exterior of each of the structures, including the garage, shall use at least three different textures. Subject to the review and approval of the Director ("Director") of the County Department of Regional Planning ("Regional Planning"): (a) the main colors used in such structures shall

be "earth tones" (such as beige, sand, taupe, or similar colors); and (b) the predominate roof colors of each structure shall be a slate tone and shall not have black, white, light gray, or red Spanish tile as a predominate color or material.

12. Project conditions shall require that all building façades be varied, recessed, and articulated with the use of balconies, porches, patios, or bay windows. Modern architecture, flat roofs, predominantly glass walls, and long unbroken building walls exceeding 30 feet in length shall be prohibited. To provide varied building bulk and interest and to ensure compatibility with surrounding residences, Project conditions shall require the floor area of the second floor of each residence be limited to a maximum of 50 percent of the floor area of the first floor.
13. While the proposed single-family residences are larger than most other homes in the immediate vicinity, they comply with the North Area CSD lot coverage requirements, which allow 25 percent lot coverage in the Malibou Lake area. The two proposed single-family residences are on larger lots than those in the immediate vicinity and have 8.2 and 8 percent lot coverage, which is a lower percentage than the lot coverage of most other nearby residences. Both residences will be below the 35-foot height limit of the North Area CSD. Although there are no specific setback requirements in the R-R Zone, the proposed residences meet all residential setback requirements, and setbacks for the proposed residences exceed the setbacks of neighboring homes. The subject properties were previously developed in the 1920s as a community clubhouse that was demolished in the late 1980s, limiting the Project's impacted area. The Project grading quantities are below the 5,000 cubic yards threshold established by the North Area CSD, exceedance of which requires a grading CUP.
14. The proposed single-family residences are not located within 1,000 feet of any other Resort Recreation land uses and thus are consistent with section 22.44.133.E.5.b.ii of the North Area CSD.
15. An Initial Study was prepared for the Project in compliance with the California Environmental and Quality Act ("CEQA") (Public Resources Code section 21000, et seq.), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Initial Study identified potentially significant effects of the Project on biological resources. Prior to release of the proposed MND and Initial Study for public review, the Permittee made, or agreed to, revisions in the Project that would avoid the effects or mitigate the effects to a point where no significant impact would occur. Based on the Initial Study and agreed-upon project revisions, a Mitigated Negative Declaration ("MND") was prepared for the Project. Conditions or changes in the proposed Project that are necessary to ensure the proposed project will not have a significant effect on the environment have been included in the Mitigation Monitoring Program ("MMP"), compliance with which is a condition of approval.

16. The Commission opened its public hearing on the Project on December 5, 2012, continued it to January 9, 2013, and then to February 13, 2013. Prior to the Commission hearing, the Permittee agreed to changes in the Project to make it smaller and more acceptable to the community. On February 13, 2013, in addition to Regional Planning staff's presentation, three representatives of the Permittee testified before the Commission. Twenty-one other individuals testified at the hearing and opposed the Project. After the Permittee agreed to certain further changes requested by individual commissioners, the Commission closed its public hearing and unanimously certified the MND and approved the CUP and Oak Tree Permit subject to conditions of approval modified as discussed at the hearing.
17. The Commission's approval of the CUP and Oak Tree Permit and certification of the MND was timely appealed to the Board by Patricia Henkel on behalf of Malibu Lakeside Homeowners Association and Mary Wiesbrock on behalf of Save Open Space/Santa Monica Mountains ("SOS/SMM"). The appellants contended, among other things, that the Project was inconsistent with the North Area Plan and property zoning, that the proposed homes were out of character with the community, that misinformation was provided about the Project and its environmental impacts, and that the MND was inadequate. Subsequent to the appeal, additional meetings were held with County staff, the Permittee, and the appellants and their respective representatives to seek a compromise and consider possible changes to the Project.
18. The Board conducted its duly-noticed public hearing on August 27, 2013. Regional Planning staff reported on the meetings referenced in the preceding finding as well as the agreed-upon changes and conditions to the Project between the Permittee and appellant, and recommended Board approval with inclusion of those agreed-upon changes and conditions. Following Regional Planning's presentation, Supervisor Zev Yaroslavsky ("Supervisor") presented a tentative motion, subject to revision depending on ensuing testimony, based on the agreements reached between the Permittee and appellants as outlined by Regional Planning staff. The Supervisor pointed out that, if approved, the agreed-upon changes and conditions would result in: (a) reduced home sizes of about 25 percent from what was originally proposed, resulting in lot coverage of only about eight percent; (b) the provision of a park area in excess of one-half acre for the benefit of the community, which was an increase of over 16,000 square feet of park area than what had been approved by the Commission; (c) the preservation of a critical viewshed at the intersection of Pauite and Craggs Drives; and (d) the imposition of binding aesthetic conditions and landscaping requirements.
19. Following the Supervisor's comments, eight individuals testified at the Board hearing, five in favor of the Project, including the Permittee and one of his representatives, and three opposed. Those who testified in favor included appellants or their representative. Project supporters at the Board testified about, among other things, the benefits achieved with the newly proposed

conditions. One person testifying in support of the Project also suggested that the Permittee consider selling the property to the homeowners' group to maintain the Project Site similar to its existing condition. Those opposed to the Project stated that they owned homes in the immediate neighborhood of the Project and that, among other things, the park area being offered was unsuitable land; the house sizes remained incompatible with the community; the property should only be used for recreational purposes due to its history and zone; the proposed driveway was unsafe; and allowing houses on the property would physically divide the community. While one Project opponent maintained continued opposition, she also requested that, if approval was to be granted, strict conditions be imposed regarding building aesthetics and vegetation, and that lighting be consistent with the County's Dark Sky Ordinance.

20. After the close of public testimony at the Board, the Board closed the public hearing and indicated its intent to approve the Project subject to a number of additional conditions, including the agreed-upon conditions between the Permittee and the appellant, and some conditions in lieu of those approved by the Commission. Those conditions are included in the conditions of approval for the CUP and Oak Tree Permit.
21. Among the Board's additional conditions were specific landscaping provisions requiring plans to be prepared by a licensed landscape architect and approved by the Director and a Regional Planning staff biologist. The landscaping must be of a drought-tolerant, locally indigent native species to partially screen the residences, provide visual interest, and create a naturalized appearance rather than a manicured or suburban appearance.
22. With respect to one of the additional conditions, the Permittee agreed to make an irrevocable offer to dedicate a 25,712-square-foot easement or other interest mutually acceptable to the Malibu Lakeside Homeowners Association for community recreation access and passive uses ("Park Area") in an area consistent with the exhibit presented by Regional Planning staff to the Board at its hearing. This dedicated area will increase the Park Area by 16,000 square feet from what was approved by the Commission. Uses allowed in the Park Area will include uses of a social, community, and residential character typically found in a neighborhood park. Project conditions will prohibit parking in the Park Area except for special events that obtain a temporary use permit. Conditions will also prohibit structures or earthwork requiring a building permit, poultry raising, or other similar agricultural activities, in the Park Area.
23. The Board finds that the Project, as conditioned, is consistent with the following goals and policies of the North Area Plan:

Policy VI-13: In addition to maintaining low densities within rural areas, require the provision/protection of the features that contribute to rural character and rural lifestyles, including but not limited to natural features and streams, which are protected by adequate development setbacks;

large lots that offer the ambiance of privacy and solitude in a rural setting; limited or no commercial development; irregular placement of dwellings on individual lots and variations in designs that result in custom-look housing; and a lack of night lighting and existence of dark skies, enhancing the visibility of stars at night.

Policy VI-14: In addition to considering the mass and scale of the entire development or structure, restrict the total square footage of and grading for rural structures to a size that maintains the area's open character and is compatible with the open space characteristics of the surrounding hillsides.

Policy VI-15: Require that new developments use architectural and siting features that are compatible with the adjacent existing and planned developments, and include the following: compatibility with prominent design features existing in the immediate area (i.e., trees, land forms, and historic landmarks); compatibility with existing structures; and compatibility with the natural environment (i.e., hillsides, washes, native vegetation, and community landscaping).

Policy VI-16: Require that new developments provide a transition to surrounding development, for example, the bulk of new structures should relate to the area's environment and to the adjacent development; setbacks from streets and adjacent properties should relate to the scale of the structure, the function of the street, the intended character of the development, and should encourage pedestrian scale and uses; multi-story residential structures should be made less imposing by using exterior profile designs that complement the contours of the land; and variances from height restrictions shall generally not be permitted.

Policy VI-20: Limit structure heights in suburban and rural areas to ensure compatibility of new development with the respective characteristics of the surrounding settings and sites.

Policy VI-23: Retain existing rural communities primarily for low intensity, rural residential uses.

24. The new residences shall be required to comply with the County's Low-Impact Development ("LID") standards (Part 22 of Chapter 22.52 of the Zoning Ordinance) by installing a minimum of two features designed to lessen the environmental impact of new development. A County-approved list of LID design features includes porous pavement, rain barrels, green roofs, and other such facilities. The Project will also be conditioned to comply with County Drought-Tolerant Landscaping requirements (Part 21 of Chapter 22.52 of the Zoning Ordinance), wherein 75 percent of landscaping in the front of the residences must be drought-tolerant, and a maximum of 25 percent may be

grass or turf. The Project will also be conditioned to comply with the County's Green Building requirements.

25. The Board finds that the two single-family homes on two legal lots will not adversely affect the health, comfort, or welfare, of surrounding residents; will not be detrimental to the use, enjoyment, or value of surrounding properties; and will not constitute a hazard to public health or safety. The subject properties are surrounded in all directions by other single-family residences and/or vacant land that is zoned for single-family residences. The properties are within a residentially designated land use category in the North Area Plan. The properties are also within the Malibou Lake community, which was developed in the 1920s with the intent to create single-family homes near the lake. The County Fire Department ("Fire Department"), County Department of Public Health ("Public Health"), and County Department of Public Works ("Public Works") reviewed the Project and concluded that the residences as proposed can be constructed and maintained in accordance with all codes relating to public health, safety, and access, providing that certain conditions of approval are required. The Board finds that the Project is so conditioned.
26. The Board finds that the properties are located in a Very High Fire Severity Zone. The subject properties are required to comply with Fire Department requirements for Very High Fire Severity Zones to minimize fire danger.
27. The Board finds that access to the Project Site is provided by Craggs Drive, Paiute Drive, and Seminole Drive without any major level-of-service issues. Traffic to and from the Project Site would be minor because it would add only two dwelling units.
28. The Board finds that the proposed residences will be served by the Las Virgenes Municipal Water District.
29. The Board finds that the Fire Department Forester and Fire Warden ("Forester") reviewed the Project and verified the accuracy and completeness of the Oak Tree Report submitted by the Permittee. Compliance with conditions set forth in the Forester's letter dated January 24, 2012, is required by the attached conditions.
30. The Board finds that pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was appropriately notified of the CUP and Oak Tree Permit public hearings by mail, newspaper, and property posting.
31. The Board finds that the MND and notice of intent to adopt the MND were submitted to the State Clearinghouse and made available for review by the public, State, and other agencies starting on June 6, 2012, State Clearinghouse Number 2012061018, and the review period closed on July 6, 2012.

32. After consideration of the MND and MMP together with any comments received during the public review process, the Board finds on the basis of the whole record before the Board that there is no substantial evidence that the Project as revised and conditioned will have a significant effect on the environment, and further finds that the MND reflects the independent judgment of the Board.
33. The Board finds that the County Department of Parks and Recreation, California Department of Fish and Wildlife, California Department of Forestry and Fire Protection, California Department of Water Resources, California Highway Patrol, California Department of Transportation, Regional Water Quality Control Board, Los Angeles Region, Native American Heritage Commission, State Lands Commission, Santa Monica Mountains Conservancy, County Fire Department, Fire Forestry Division, County Public Health, and County Public Works reviewed the Project, the MND and the MMP, and provided comments, all of which have been addressed.
34. The Board finds that the Project is not exempt from the California Department of Fish and Wildlife fees pursuant to section 711.4 of the California Fish and Game Code.
35. The Board finds, based on the foregoing, that the proposed use will be consistent with the adopted General Plan and area plan for the area.
36. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, Hall of Records, 320 West Temple Street, 13th Floor, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, WITH RESPECT TO THE CUP, THE BOARD CONCLUDES:

37. That, with the attached conditions, the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
38. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the Zoning Ordinance and by the conditions of the CUP, or as is otherwise required to integrate said use with the uses in the surrounding area.

39. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle and vehicle traffic such use would generate, and by other public or private services facilities as are required.

BASED ON THE FOREGOING, WITH RESPECT TO THE OAK TREE PERMIT, THE BOARD CONCLUDES:

40. That the proposed construction of the proposed use will be accomplished without endangering the health of the remaining oak trees subject to Part 16 of Chapter 56 of the Zoning Ordinance, on the subject property.
41. That the proposed removal of one oak tree will not result in soil erosion through the diversion or increased flow of surface waters, which cannot be satisfactorily mitigated.
42. That, in addition to Finding Nos. 40 and 41, at least one of the following applies:
- That the removal or relocation of the oak tree(s) proposed is necessary because the continued existence at the present location frustrates the planned improvement or proposed use of the subject property to such extent that: (a) alternative development plans cannot achieve the same permitted density or that cost of such alternative would be prohibitive; (b) placement of the tree precludes the reasonable and efficient use of such property for use otherwise authorized; (c) the oak tree proposed for removal interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternatives to such interference exists other than removal of the tree; or (d) the condition of the oak tree proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices.
43. That the removal of the oak tree proposed will not be contrary to, or be in substantial conflict with, the intent and purpose of the oak tree permit procedure in the Zoning Ordinance.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Certifies that the MND was completed in compliance with the California Environmental Quality Act and the State and County Guidelines related thereto; certifies that it independently reviewed and considered the MND along with any comments received during the public review process and that it reflects the independent judgment and analysis of the County as to the environmental consequences of the Project; finds that the MMP is adequately designed to ensure compliance with its mitigation measures; and further on the basis of the whole record before the Board that any required conditions, modifications to the Project, and mitigation measures, will adequately mitigate any potential impacts to a level of less than significant.

2. Certifies that it adopted the MND and the MMP at the conclusion of the public hearing on the Project.
3. Approves Conditional Use Permit No. 2011-00012-(3) and Oak Tree Permit No. 2011-00011-(3) subject to the attached conditions.

CONDITIONS OF APPROVAL
PROJECT NUMBER R2010-01071-(3)
CONDITIONAL USE PERMIT NUMBER 2011-00012-(3)
OAK TREE PERMIT NUMBER 2011-00011-(3)

1. The grant of this conditional use permit ("CUP") and oak tree permit authorizes development and maintenance of two single-family residences on two existing parcels in the Resort Recreation (R-R) zone and the removal of one oak tree to allow said development subject to the following conditions of approval ("Project").
2. Unless otherwise apparent from the context, the term "Permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the Permittee and the owner of the subject property, if other than the Permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 11, 13, and 16. Notwithstanding the foregoing, this Condition No. 3 and Condition Nos. 5, 6, 9, 13, and 16 shall be effective immediately upon the date of final approval of this grant by the County.
4. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to section 22.60.260 of the County Code ("County Code").
5. The Permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the Permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the Permittee of any claim, action or proceeding, or if the County fails to reasonably cooperate in the defense, the Permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
6. In the event that any claim, action, or proceeding as described above is filed against the County, the Permittee shall within 10 days of the filing make an initial deposit with Regional Planning in the amount of \$5,000, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to Permittee or Permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the Permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the Permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the Permittee according to County Code section 2.170.010.

7. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void, and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the Permittee or the owner of the subject property, if other than the Permittee, shall record the terms and conditions of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the Permittee or the owner of the subject property, if other than the Permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
9. This grant shall expire unless used within two years from the date of final approval by the County. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. Once the CUP has been deemed used, it shall have no termination date because the project is for development and maintenance for single-family residences. For the CUP to be deemed used, a building permit for each parcel must be issued by the Building and Safety Division of the Department of Public Works ("Public Works") within the applicable time frame.
11. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant, as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The Permittee shall deposit with the County the sum of \$200. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the Permittee's compliance with the conditions of approval. The fund provides for one inspection to take place three years after the date of final approval. The inspection shall be unannounced.

12. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.
13. Within three days after the date of final approval of this grant, the Permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Wildlife pursuant to section 711.4 of the California Fish and Game Code, the Permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in section 711.4 of the Fish and Game Code, currently \$2,231.25 (\$2,156.25 for the Mitigated Negative Declaration and a \$75 County processing fee). No land use project subject to this requirement is final, vested, or operative until the fee is paid.
14. The Permittee shall comply with all mitigation measures identified in the attached Mitigation Monitoring Program ("MMP"), which are incorporated by this reference as if set forth fully herein.
15. Within 30 days of the date of final approval of the grant by the County, the Permittee shall record a covenant and agreement, which attaches the MMP and agrees to comply with the mitigation measures imposed by the MMP for this project, in the office of the Recorder. Prior to recordation of the covenant, the Permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the Permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the Permittee's compliance with the required mitigation measures.
16. The Permittee shall deposit an initial sum of \$6,000 with Regional Planning within 30 days of the date of final approval of this grant to defray the cost of reviewing and verifying the information contained in the reports required by the MMP. The Permittee shall replenish the mitigation monitoring account, if necessary, until all mitigation measures have been implemented and completed. There is no limit to the number of supplemental deposits that may be required prior to the implementation and completion of all mitigation measures.
17. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a hearing officer may, after conducting a public

hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

18. All development pursuant to this grant must be kept in full compliance with the County Fire Code and those conditions delineated in the County Fire Department ("Fire Department") letters dated July 13, 2011 and January 24, 2012, attached hereto and incorporated by this reference, or as otherwise to the satisfaction of the said department.
19. All development shall comply with the requirements of Title 22 of the County Code (Zoning Ordinance) and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A," approved by the Director of Regional Planning.
20. The single-family residences shall comply with all applicable provisions of the Santa Monica Mountains North Area Community Standards District (section 22.44.133 of the County Code).
21. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works ("Public Works") and those conditions delineated in Public Works' letter dated May 9, 2012, attached hereto and incorporated by this reference, or otherwise to the satisfaction of the said department.
22. All development pursuant to this grant shall conform with the requirements of the County Department of Public Health Department ("Public Health") and those conditions delineated in Public Health's letter dated July 11, 2012, attached hereto and incorporated by this reference, or otherwise to the satisfaction of said department.
23. The single-family residence located on Assessor's Parcel Number 4462-005-022 shall be a maximum two-story, 5,900-square-foot single-family residence, with an attached three-car garage. It shall have a swimming pool, a four-foot-high retaining wall, attached patios, a driveway, an entry gate, and a private sewage disposal system. A maximum of 1,800 cubic yards (cut and fill combined) grading shall be allowed for this residence. The residence shall be limited to 32 feet in height, and the floor area of the second floor shall be a maximum of 50 percent of the floor area of the first floor, to provide varied building bulk and interest and ensure compatibility with surrounding residences. The residence shall have minimum setbacks of 37 feet to the north, 95 feet to the east, 234 feet to the west, and 61 feet to the south. The maximum lot coverage shall be 8,087 square feet or 8.2 percent of the lot area.

24. The single-family residence on Assessor's Parcel Number 4462-005-023 shall be a maximum two-story, 5,900-square-foot single-family residence, with an attached three-car garage. It shall have a swimming pool, attached patios, a driveway, an entry gate, and a private sewage disposal system. A maximum of 1,350 cubic yards (cut and fill combined) of grading shall be allowed for this residence. The residence shall be limited to 32 feet in height and the floor area of the second floor shall be a maximum of 50 percent of the floor area of the first floor to provide varied building bulk and interest and ensure compatibility with surrounding residences. The residence shall have minimum setbacks of 227 feet to the north, 104 feet to the east, 18 feet to the west, and 76 feet to the south. The maximum lot coverage shall be 8,376 square feet or 8.0 percent of the lot area.
25. The Permittee shall use subdued earth-tone colors and/or textures that blend with the local area on the exterior of the two single-family residences, including the trim and accessory structures (except for the split-rail fences which may be painted in white tones). The exterior of each of the structures, including the garage, shall use at least three different textures. Subject to the review and approval of the Director: (a) the main colors used in such structures shall be "earth tones" (such as beige, sand, taupe, or similar colors), and (b) the predominate roof colors of each structure shall be a slate tone and shall not have black, white, light gray, or red Spanish tile as a predominate color or material.
26. Both residential dwellings to be constructed shall conform to a "Ranch" or similar style, but shall be of varied, non-repetitive designs. All building façades shall be varied, recessed, and articulated with use of balconies, porches, patios, or bay windows. Modern architecture, flat roofs, predominantly glass walls, and long unbroken building walls exceeding 30 feet in length shall be prohibited.
27. Three copies of a landscape plan, prepared by a licensed landscape architect, shall be submitted to and approved by the Director prior to issuance of any building permit for the Project. The landscape plan shall indicate the size, type, and location of all trees, plants, and irrigation facilities and shall depict the location of mature trees (i.e., 60-inch box specimens) and landscaping along the subject properties' frontages along Craggs Drive, Seminole Drive, Paiute Drive, and the dedicated Park Area identified in Condition No. 35, to the satisfaction of the staff senior biologist. All landscaping shall consist of drought-tolerant locally indigenous native species and shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, fertilizing, and replacement of plants when necessary to maintain compliance with this condition. Except as required by the Fire Department or other regulatory agency, the Permittee shall predominantly use plant species contained in the California Native Plant Society list for all project landscaping. Except to the extent necessary to meet fire safety or other regulatory requirements, the Permittee shall use a watering system, such as drip irrigation, designed to conserve water; irrigation shall only be used until the plants are well established and, thereafter, only as necessary to maintain the health of the plants. The approved landscape plan shall be

implemented within six months after issuance of a certificate of occupancy for both residences.

28. In addition to the review and approval by the Director, the landscape plan shall be reviewed by the staff biologist of Regional Planning and the Fire Department. Their review shall include an evaluation of the balance of structural diversity (e.g., trees, shrubs, and groundcover) that would be expected 24 months after planting in compliance with fire safety requirements. The landscaping shall be maintained in compliance with the approved plans on file.
29. To the satisfaction of the Director, the landscaping shall, when combined with the setbacks and articulation of the structure: (a) reasonably screen the residences from publicly accessible frontages within a reasonable period of time following issuance of a certificate of occupancy; (b) prevent uninterrupted views of any portion of a structure that exceeds 25 feet in length as seen from any public vantage point; and (c) create a naturalized, rather than an artificial, manicured, or suburban appearance. When viewed from all publicly accessible vantage points, the residential structures shall appear to be nestled within native vegetation, rather than dominate over the naturalized landscaping, and shall blend harmoniously with the surrounding environment and built community.
30. In addition to the trees required by the County's Green Building ordinance and in addition to existing oak trees preserved on the property, the landscaping shall include a minimum of four native trees including at least two 15-gallon mitigation oak trees, planted on each lot between the residences and areas that are open to view from publicly accessible areas and neighboring properties. An acorn shall be planted for each oak tree planted.
31. The oak tree authorized for removal by this grant shall not be removed until a building permit is issued for construction on Parcel No. 4462-005-022 for the single-family residence, swimming pool, and associated grading, demonstrating the need for removal of the tree.
32. Prior to the issuance of any grading and/or building permit, site plans depicting exterior elevations, including colors, shall be submitted to and approved by the Director to ensure compliance with the conditions of this grant. The Permittee shall submit a revised Exhibit "A" to the Director depicting compliance.
33. Prior to County approval of the landscape plan, the Director shall make the overall project landscape plan available to the public for a period of not less than 30 days, during which time the Director shall take public input on the plan. The Director's determination as to whether to approve the landscape plan shall be based solely on the Director's determination as to whether the landscaping plan conforms to the conditions of this grant.

34. Perimeter fencing shall be permeable using traditional split-rail fencing with the bottom rail being at least six inches off the ground. Chain link, wire, solid block, and highly reflective materials are prohibited.
35. Pursuant to agreement by the Permittee, the Permittee shall provide an irrevocable offer to dedicate an easement or other interest mutually acceptable to the Malibu Lakeside Homeowner's Association ("HOA") for a 25,712-square-foot area, consistent with the exhibit presented by Regional Planning at the Board hearing, to be available for community recreational access uses ("Park Area"). This area shall be located on the northeast corner of the Project's eastern parcel adjacent to the intersection of Paiute and Seminole Drives. The irrevocable offer to dedicate shall be recorded on the subject property as mutually agreed upon by the Permittee and the HOA within three months of the date of final approval of this grant. The irrevocable offer to dedicate shall be valid for three years from the date of final approval of this grant.
36. Uses allowed within the Park Area include uses of a social, community, and recreational character typically found in a neighborhood park. No structures or earthwork requiring a building permit from the Building and Safety Division of Public Works shall be erected or performed. Raising of poultry or other similar agricultural uses are prohibited in the Park Area. No parking is allowed in the Park Area except for special events for which a Temporary Use Permit from Regional Planning has been obtained.
37. The Permittee shall be prohibited from cutting any tree with a diameter of eight inches or greater as measured four and one-half feet above mean natural grade, and no structures are permitted within the area depicted on the Exhibit "A" as area "B."
38. Subject to Public Works approval and acceptance, the Permittee shall offer to dedicate an easement to the County for the area depicted on the Exhibit "A" as area "C" for an additional five feet of road widening that can be used for community parking and additional access.
39. The Permittee shall provide an irrevocable offer to the HOA to dedicate an easement or other interest mutually acceptable to the HOA covering the "Bus Stop Replacement Area" depicted on the exhibit presented by Regional Planning at the Board hearing on this Project.
40. Accessory habitable structures, including but not limited to, guest houses, pool houses, and second units, as agreed to by the Permittee, are prohibited.
41. Fire Department red flag fire day requirements shall apply during construction of the residences.
42. Parking or storing equipment shall be prohibited within the public right-of-way during construction of the residences.

43. All junk, salvage, debris, and inoperable vehicles located on the Project property shall be removed within 45 days of the date of final approval of this permit, and the property shall be maintained free of those items during the life of the permit.
44. Except for seasonal decorations or signage provided by or for a civic non-profit organization, all structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage that was not approved by Regional Planning and that do not directly relate to the use of the property or provide pertinent information about said premises. In the event any such extraneous markings become visible, the Permittee shall remove or cover said markings, drawings, or signage within 24 hours of their visibility, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
45. Use of anti-coagulant rodenticides is prohibited anywhere on the property.
46. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, modified Exhibit "A" plans shall be submitted to Regional Planning within 60 days of the date of final approval.
47. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and the applicable fee for such revision.

Attachments

Mitigation Monitoring Program

Fire Department letters dated July 13, 2011 and January 24, 2012

Public Works letter dated May 9, 2012

Public Health letter dated July 11, 2012

MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENVT 201100019

Impact Mitigation	Action Required	When Monitoring to Occur	Responsible Agency or Party	Monitoring Agency or Party
Biota				
<p>Prior to grading, diskings, grubbing, etc, a qualified biologist shall be retained by the applicant as the biological monitor subject to the approval of the County of Los Angeles. That person shall ensure that impacts to biological resources (inclusive of special-status plants) are avoided or minimized, and shall conduct pre-grading field surveys for special-status plant and animal species that may be affected and/or eliminated as a result of grading and/or site preparation activities. During earthmoving activities, the biological monitor shall be present to relocate any vertebrate species that may come into harm's way to an appropriate offsite location of similar habitat. The biological monitor shall be authorized to stop specific grading activities if violations of mitigation measures or any local, state, or federal laws are suspected.</p>	<p>Qualified biologist shall be retained that will analyze the plant and animal species before and during grading activities.</p>	<p>Prior to any construction</p>	<p>Project Applicant</p>	<p>Los Angeles County Department of Regional Planning</p>
<p>Work areas will be surveyed for special-status reptile species, including potential western pond turtle aestivation sites, prior to and during construction activities. Fencing that is impervious to reptile movement shall be erected around the work area prior to the surveys, and any special-status reptiles occurring within the work area prior to the start of work will be collected and relocated to areas outside of the designated work zones. If ongoing biological monitoring of construction activities reveals the presence of any special-status reptiles within an active work area, then work will be temporarily halted until the animals can be collected and relocated to areas outside of the designated work zones.</p>	<p>Surveys shall be prepared prior to and during construction by an approved biologist that will monitor special-status reptile species.</p>	<p>Prior to and during construction</p>	<p>Project Applicant</p>	<p>Department of Regional Planning</p>
<p>If any western pond turtle burrow sites are discovered within the project development area during the implementation of MM-1, construction shall be delayed until the animals have emerged.</p>	<p>Construction delayed if western pond turtle burrow sites are discovered during MM-1.</p>	<p>Prior and during construction</p>	<p>Project Applicant</p>	<p>Department of Regional Planning</p>

MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENVT 201100019

4	<p>Project related activities likely to have the potential of disturbing suitable bird nesting habitat shall be prohibited from February 1 through August 31, unless a project biologist acceptable to the Director of Planning surveys the project area prior to disturbance to confirm the absence of active nests or nesting habitat. Disturbance shall be defined as any activity that physically removes or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within 500 feet for raptors, or 300 feet for other birds shall be postponed until the nest is vacated, offspring have left the nest area and there is no evidence of further attempts at nesting. Limits of avoidance shall be demarcated with high-visibility flagging or fencing. The project proponent shall record the results of the recommended protective measures described above and submit the records to the Department of Regional Planning to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>	<p>Conduct bird surveys if project activities occur during avian breeding season that could potentially disturb bird nesting habitat.</p>	<p>Prior to construction</p>	<p>Project Applicant</p>	<p>Department of Regional Planning</p>
5	<p>In order to avoid impacts to nighttime wildlife activities, exterior night lighting shall be directed downward onto the property, of low intensity, at low height and shielded to prevent illumination of surrounding properties and undeveloped areas; security lighting, if any is used, shall be on a motion detector.</p>	<p>Minimize night lighting</p>	<p>During and after completion of construction</p>	<p>Project Applicant</p>	<p>Department of Regional Planning</p>
6	<p>To avoid the direct loss of bats that could result from removal of trees that may provide maternity roost habitat (e.g., in cavities or under loose bark), the following steps would be taken: 1) To the extent feasible, tree removal or relocation would be scheduled between October 1 and February 28, outside of the maternity roosting season.</p>	<p>Bat surveys conducted by a qualified bat specialist</p>	<p>Removal of oak tree between October 1 and February 28. If the tree cannot be removed within that time period a pre-construction survey of the tree being removed identifying whether bats are</p>	<p>Project applicant</p>	<p>Department of Regional Planning</p>

MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENVT 201100019

<p>2) If tree must be removed during the maternity season (March 1 to September 30), a qualified bat specialist (i.e., a person holding a California Department of Fish and Game collection permit and a memorandum of understanding allowing the handling and collection of bats) would conduct a pre-construction survey to identify the tree proposed for disturbance that could provide hibernacula or nursery colony roosting habitat for bats.</p> <p>3) Each tree identified as potentially supporting an active maternity roost would be closely inspected by the bat specialist a maximum of 7 days prior to tree disturbance to more precisely determine the presence or absence of roosting bats.</p> <p>4) If bats are not detected, but the bat specialist determines that roosting bats may be present, it is preferable to push any tree down using heavy machinery rather than felling it with a chainsaw.</p> <p>5) Maternity season lasts from March 1 to September 30. Trees and/or structures determined to be maternity roosts must be left in place until the end of the maternity season.</p> <p>6) A 250-foot buffer, in which no construction activities are permitted, would be established around any tree, rock outcrop, or other occupied roost habitat until the end of the maternity season (September 30).</p> <p>7) The bat specialist should prepare a summary report upon completion of tree disturbance activities. Reports would include the following:</p> <ul style="list-style-type: none"> A. the number and type of affected trees determined to support or potentially support roosting bats prior to disturbance; B. any actions undertaken to safely exclude roosting bats prior to disturbance and the results of those actions; C. trees temporarily avoided to protect roosting bats; and D. roosting bats found (alive or dead) after tree was 		present.	
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Project No: R2010-01071/Case No(s): RENVT 201100019

Page 3

Date

MITIGATION MONITORING PROGRAM

Project No: R2010-01071/Case No(s): RENVT 201100019

	removed. E. This report would be provided to the County within 30 days following completion of tree removal				
7	To reduce the long term loss of native habitat and the potential of invasive species establishment, a landscape plan shall be prepared for all graded areas outside of any mandated brush clearance zones and shall be submitted for review and approval by the County of Los Angeles Department of Regional Planning prior to the issuance of a grading permit. The landscape plan shall limit irrigation to within Fuel Modification Zone A and shall utilize only locally indigenous plant species and varieties.	Landscape plan approval	Prior to construction	Project Applicant	Department of Regional Planning
Cultural Resources					
1	All work will stop immediately should any cultural resources (i.e. artifacts, burial grounds) be uncovered/discovered at any time prior to and during grading/construction. If burial/human remains are found, the County Coroner must be contacted immediately. Subsequently, and in all other cases with approval from County Regional Planning, the applicant shall then select and retain a qualified archaeologist and a representative from the California Native Heritage Commission to assess the find, make recommendations, and to monitor until all grading is completed.	Notify applicable agencies (Coroner, Regional Planning, etc.) if human remains or artifacts are found	Monitoring to occur should any artifacts or remains be discovered.	Project Applicant	Department of Regional Planning
Geotechnical					
1	Proposed structures shall be designed in conformance with the requirements of the effective editions of the UBC and the County of Los Angeles Building Code. Prior to issuance of building permits for any new structures, applicant shall submit a geotechnical report for review and approval to the County Department of Public Works, to the satisfaction of said department.	Conformance of UBC and LA County building code and submittal of geotechnical report to LACODPW prior to building permit issuance.	Prior to construction	Project Applicant	Los Angeles County Department of Public Works
Water Quality					
Applicant shall comply with the NPDES (National					
		Submittal and approval	Prior to issuance of	Project Applicant	Los Angeles County

Project No: R2010-01071/Case No(s): RENVT 201100019

Date

Project No: R2010-01071/Case No(s): RENVT 201100019

Please sign and return the original document with wet ink signature to the attention of Jared Nygren at: Department of Regional Planning, 26600 Agoura Road Suite 110, Calabasas, CA 91302

As the applicant, I agree to incorporate these changes/mitigation measures into the project, and understand that the approval in concept will be on the project as changed/mitigated.

Applicant	Date
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[] As the applicant, I do not agree to incorporate these changes/mitigation measures into the project, and understand that an approval in concept will not occur until an appropriate Mitigation Monitoring Program is agreed upon by the applicant and Regional Planning.

Applicant _____ Date _____

[] No response received within 15 business days of date on this letter, project is put on hold indefinitely. Environmental Determination requires that Mitigation Measures be prepared for this project.

Staff	Date



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: July 13, 2011

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2010-01071

LOCATION: 29153 Craggs Drive, Agoura

- ☐ The Fire Department Land Development Unit has no additional requirements for this permit.
- ☐ The required fire flow for this development is _____ gallons per minute for _____ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Verify _____ 6" X 4" X 2 1/2" public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). An Approved Fuel Modification Plan shall be submitted and approved prior to Building Permit issuance. For details contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.
- ☒ **Comments** The Fire Department recommends approval of this project as presently submitted with the following conditions of approval.
- ☒ **Water:** Per the fire flow test performed by Las Virgenes Municipal Water Company dated 07-28-11, the existing water system meets current Fire Department standards.
- ☒ **Access:** The access as shown on the site plan filed in our office meet the Fire Department standards.
- ☒ **Conditions of Approval:**
 - The required residential fire sprinkler system shall comply with the LA County Fire, Building, and Residential Codes.
 - All proposed swimming pools shall comply with the Fire Department's Regulation 26, Auxiliary Water Sources.
 - Compliance is required of all other "Fire Department Notes" as indicated on the site plan filed in our office.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: Juan C. Padilla

Land Development Unit – Fire Prevention Division -- Office (323) 890-4243 Fax (323) 890-9783



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 890-4330

DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

January 24, 2012

Jarod Nygren, Regional Planning Assistant II
Department of Regional Planning
Zoning Permits Section
320 West Temple Street
Los Angeles, CA 90012

Dear Mr. Nygren:

OAK TREE PERMIT NUMBER 2011-00011
PROJECT NUMBER R2010-01071
29153 CRAGS DRIVE, AGOURA

We have reviewed the "Request for Oak Tree Permit #2011-00011." The project is located at 29153 Craggs Drive in the unincorporated area of Agoura. The Oak Tree Report is accurate and complete as to the location, size, condition and species of the Oak trees on the site. The term "Oak Tree Report" refers to the document on file by Richard Ibarra, the consulting arborist, dated September 7, 2011.

We recommend the following as conditions of approval:

OAK TREE PERMIT REQUIREMENTS:

1. This grant shall not be effective until the permittee and the owner of the property involved (if other than the permittee), have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of and agree to accept all conditions of this grant. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. The permittee shall, prior to commencement of the use authorized by this grant, deposit with the County of Los Angeles Fire Department a sum of \$500. Such fees shall be used to compensate the County Forester \$100 per inspection to cover expenses incurred while

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLENDORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

Inspecting the project to determine the permittee's compliance with the conditions of approval. The above fees provide for one (1) initial inspection prior to the commencement of construction and four (4) subsequent inspections until the conditions of approval have been met. The Director of Regional Planning and the County Forester shall retain the right to make regular and unannounced site inspections.

3. Before commencing work authorized or required by this grant, the consulting arborist shall submit a letter to the Director of Regional Planning and the County of Los Angeles Fire Department, Forestry Division, stating that he or she has been retained by the permittee to perform or supervise the work, and that he or she agrees to report to the Director of Regional Planning and the County Forester, any failure to fully comply with the conditions of the grant. The arborist shall also submit a written report on permit compliance upon completion of the work required by this grant. The report shall include a diagram showing the exact number and location of all mitigation trees planted as well as planting dates.
4. The permittee shall arrange for the consulting arborist or a similarly qualified person to maintain all remaining Oak trees on the subject property that are within the zone of impact, as determined by the County Forester for the life of the Oak Tree Permit or the Conditional Use Permit.
5. The permittee shall install temporary chain link fencing, not less than four (4) feet in height, to secure the protected zone of all remaining Oak trees on site, as necessary. The fencing shall be installed prior to grading or tree removal, and shall not be removed without approval of the County Forester. The term "protected zone" refers to the area extending five (5) feet beyond the dripline of the Oak tree (before pruning), or fifteen (15) feet from the trunk, whichever is greater.
6. Copies of the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval, shall be kept on the project site and available for review. All individuals associated with the project as it relates to the Oak resource shall be familiar with the Oak Tree Report, Oak tree map, mitigation planting plan, and conditions of approval.

PERMITTED OAK TREE REMOVAL:

7. This grant allows the removal of one (1) tree of the Oak genus (*Quercus lobata*) identified as Tree Number 25 on the applicant's site plan and Oak Tree Report. Trenching, excavation, or clearance of vegetation within the protected zone of an Oak tree shall be accomplished by the use of hand tools or small hand-held power tools. Any major roots encountered shall be conserved to the extent possible and treated as recommended by the consulting arborist.
8. In addition to the work expressly allowed by this permit, remedial pruning intended to ensure the continued health of a protected Oak tree or to improve its appearance or structure may be performed. Such pruning shall include the removal of deadwood and stubs and medium pruning of branches two-inches in diameter or less in accordance with the guidelines published by the National Arborist Association. Copies of these guidelines

are available from the County of Los Angeles Fire Department, Forestry Division. In no case shall more than 20% of the tree canopy of any one tree be removed.

9. Except as otherwise expressly authorized by this grant, the remaining Oak trees shall be maintained in accordance with the principles set forth in the publication, "Oak Trees: Care and Maintenance," prepared by the County of Los Angeles Fire Department, Forestry Division. A copy of the publication is enclosed with these conditions.

MITIGATION TREES:

10. The permittee shall provide mitigation trees of the Oak genus at a rate of two to one (2:1) for each tree removed for a total of two (2) trees.
11. Each mitigation tree shall be at least a 15-gallon specimen in size and measure one (1) inch or more in diameter one (1) foot above the base. Free form trees with multiple stems are permissible provided the combined diameter of the two (2) largest stems of such trees measure a minimum of one (1) inch in diameter one (1) foot above the base.
12. Mitigation trees shall consist of indigenous varieties of Quercus lobata, grown from a local seed source.
13. Mitigation trees shall be planted within one (1) year of the permitted Oak tree removals. Mitigation trees shall be planted either on site or at an off-site location approved by the County Forester. Alternatively, a contribution to the County of Los Angeles Oak Forest Special Fund may be made in the amount equivalent to the Oak resource loss. The contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
14. The permittee shall properly maintain each mitigation tree and shall replace any tree failing to survive due to a lack of proper care and maintenance with a tree meeting the specifications set forth above. The two-year maintenance period will begin upon receipt of a letter from the permittee or consulting arborist to the Director of Regional Planning and the County Forester, indicating that the mitigation trees have been planted. The maintenance period of the trees failing to survive two (2) years will start anew with the new replacement trees. Subsequently, additional monitoring fees shall be required.
15. All mitigation Oak trees planted as a condition of this permit shall be protected in perpetuity by the Los Angeles County Oak Tree Ordinance once they have survived the required maintenance period.

NON-PERMITTED ACTIONS AND VIOLATIONS:

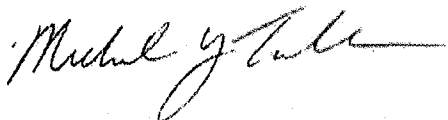
16. Encroachment within the protected zone of any additional tree of the Oak genus on the project site is prohibited.

Jarod Nygren, Regional Planning Assistant II
January 24, 2012
Page 4

17. Should encroachment within the protected zone of any additional tree of the Oak genus on the project site not permitted by this grant result in its injury or death within two (2) years, the permittee shall be required to make a contribution to the Los Angeles County Oak Forest Special Fund in the amount equivalent to the Oak resource damage/loss. Said contribution shall be calculated by the consulting arborist and approved by the County Forester according to the most current edition of the International Society of Arboriculture's "Guide for Plant Appraisal."
18. No planting or irrigation system shall be installed within the dripline of any Oak tree that will be retained.
19. Utility trenches shall not be routed within the protected zone of an Oak tree unless the serving utility requires such locations.
20. Equipment, materials and vehicles shall not be stored, parked, or operated within the protected zone of any Oak tree. No temporary structures shall be placed within the protected zone of any Oak tree.
21. Violations of the conditions of this grant shall result in immediate work stoppage or in a notice of correction depending on the nature of the violation. A time frame within which deficiencies must be corrected will be indicated on the notice of correction.
22. Should any future inspection disclose that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be held financially responsible and shall reimburse the County of Los Angeles Fire Department, Forestry Division, for all enforcement efforts necessary to bring the subject property into compliance.

If you have any additional questions, please contact this office at (818) 890-5758.

Very truly yours,



MICHAEL Y. TAKESHITA, ASSISTANT CHIEF, FORESTRY DIVISION
PREVENTION SERVICES BUREAU

MYT:jl

Enclosure



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 9, 2012

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention: ~~Jared Nygren~~

FROM: ~~for~~ Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201100012
PROJECT NO. R2010-01071
29153 CRAGS DRIVE
ASSESSOR'S MAP BOOK NO. 4462, PAGE 5, PARCEL NOS. 22 AND 23
UNINCORPORATED COUNTY AREA OF MALIBOU LAKE

- ☒ Public Works recommends approval of this CUP.
- ☐ Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for CUP No. 201100112, in the unincorporated area of Malibou Lake, located at 29153 Crags Drive. The project is for the construction of two single-family residences.

Upon approval of the site plan, we recommend the following conditions:

1. Road

- 1.1 Dedicate right of way, 20 feet from the centerline, along the property frontage on Crags Drive. Five feet of additional right of way is required along the property frontage. The required 30 feet dedication was reduced on Crags Drive and waived on Paiute Drive and Seminole Drive due to neighborhood pattern constraints. A separate fee deposit will be required to process the dedication.

- 1.2 Maintain a 20 foot minimum pavement width along the property frontages on Crags Drive, Paiute Drive, and Seminole Drive to the satisfaction of Public Works. Grade the remaining parkway/shoulder at 2 percent cross-slope within ultimate right of way.
- 1.3 Obtain an encroachment permit for the construction of the proposed driveways to the satisfaction of Public Works.
- 1.4 Acquire street improvement plan approval or direct check status before obtaining a grading permit.
- 1.5 Execute an Agreement to Improve for the street improvements and dedications prior to issuance of a building permit.

2. Grading

- 2.1 Agency/regulatory permits or letters of nonjurisdiction may be required prior to grading plan approval.
- 2.2 Submit a grading plan for approval. The grading plan must show and call out the following items including, but not limited to, construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, Standard Urban Stormwater Mitigation Plan (SUSMP) devices, and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.
- 2.3 Grading plan approval by Public Works' Geotechnical and Materials Engineering Division is required.
- 2.4 Provide approval of the latest drainage concept/hydrology/SUSMP by Land Development Division, Storm Drain and Hydrology Section.
- 2.5 Conform with applicable Low-Impact Development (LID) requirements to the satisfaction of Public Works (if applicable).
- 2.6 A maintenance agreement or the Covenants, Conditions and Restrictions may be required for all privately maintained drainage devices, slopes, and other facilities.

Mi Kim
May 8, 2012
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- 2.7 Submit permits and/or letters of nonjurisdiction from all State and Federal agencies, as applicable. These agencies may include, but may not be limited to, the State of California Regional Water Quality Control Board; State of California Department of Fish and Game; State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources; and the Army Corps of Engineers.

For questions regarding the road and grading conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

3. Drainage

- 3.1 Per County Code Section 12.84.460, comply with LID standards in accordance with the LID Standards Manual, which can be found at [http://dpw.lacounty.gov/wmd/LA County LID Manual.pdf](http://dpw.lacounty.gov/wmd/LA%20County%20LID%20Manual.pdf).
- 3.2 Prior to issuance of building permits, plans must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties; to eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action; and to comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and SUSMP requirements.

For questions regarding the drainage conditions, please contact Chris Sheppard at (626) 458-4921 or csheppard@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.



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July 11, 2012

TO: Jarod Nygren
Field Office Section
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS *K Habaradas*
Environmental Health Division
Department of Public Health

SUBJECT: PROJECT NO. R2010-01071 / RCUPT 201100012
29153 CRAGS DRIVE, AGOURA

- ☒ Public Health recommends approval of this CUP.
☐ Public Health does NOT recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The project includes a request for a CUP to authorize the construction of single-family residences within the R-R zone within the Santa Monica Mountain North Area Boundary, Malibou Lake area.

The Department recommends approval of the CUP, subject to the attached conditions.

For questions regarding the attached reports, please contact the individual listed on the bottom of the report. For all other questions, please contact me at (626) 430-5382.

KH:kh

COUNTY OF LOS ANGELES ♦ DEPARTMENT OF PUBLIC HEALTH

ENVIRONMENTAL HEALTH ♦ LAND USE PROGRAM

5050 Commerce Drive, Baldwin Park, CA 91706

Date: July 11, 2012

Project No. R2010-01071

Page 1 of 1

Location: 29153 Crags Drive, Agoura

CUP No. 201100012

The Land Use Program has reviewed the technical reports prepared by Gold Coast Geoservices, Inc. regarding the propose use of onsite wastewater treatment systems (OWTS) at the above property. The data contained in the reports tends to support a premise that the referenced Parcel 1 can reasonably accommodate the installation of OWTS for both Parcel 1 and Parcel 2. The Land Use Program (the Program) has no objection to the approval of the project contingent upon the following provisions:

- A. Prior to development of either Parcel 1 or 2, the proposed sewer easement shall be established. The Program will accept an easement that is completely dedicated for the purpose of installing OWTS when it has been recorded through Assessor's Office reflecting such use. All easement holders (Property owners of Parcel 1 and 2) shall agree to the installation of the system or portion of it in the easement and shall express their agreement through a Covenant and Agreement document, recorded through County Recorder's office. It is the recommendation of the Program that to the greatest extent possible the OWTS intended to be utilized for Parcel 2, to be installed on the same parcel. The report prepared by Gold Coast Geoservices, Inc. dated May 29, 2012 indicates that there may be areas on Parcel 2 that could be suitable for the installation of leach field type dispersal system.
- B. Prior to the construction and installation of the OWTS, a feasibility report that has been completed in accordance with the requirements specified in the document titled, "The Professional Guide to Requirements and Procedures for OWTS" to include the present and 100% future expansion dispersal systems shall be submitted to the Program for review and approval. All leach lines for each dispersal system (primary and future expansion) shall be equal in length and size. If extreme geological circumstances exist on the property that precludes the installation of leach lines equal in length, the qualified professional shall design the dispersal system in a manner to ensure that the anticipated volume of wastewater received by each leach line is proportionate to the length of each leach line. The designing qualified professional shall provide information describing the design configuration to include a statement attesting that the design will not create inundation. If the area is known to have high ground/subsurface waters, the groundwater monitoring shall be conducted during the months of March, April and May by a California Registered Geologist within the immediate area of the proposed dispersal field and at a depth that ensures the required vertical set back to the ground/subsurface water can be achieved.

The consent granted herein is intended for the CUP review process only that encompasses the requirements applicable to OWTS, and does not authorize any land development until all conditions set forth here have been satisfactorily fulfilled.

If due to the development, unforeseen geological limitations, required setbacks and flood or surface/ground water related concerns or for any other related reasons, conformance with all applicable requirements cannot be achieved, this conceptual approval shall be deemed void. Any future grading in the area where test borings are located may nullify the data that provided the basis for this approval.

For questions regarding the above conditions, please contact Patrick Nejadian at (626) 430-5390.